

Remarks

The rejection of claims 18 and others under Section 112, para. 2, because of the optical signal and the optically distinguishable signature terminology should be withdrawn. They are two different signals, as is clear from the claim language. The former is generated from a label, often on the target, and the latter is the bead encoding system, associated with the bead.

The Examiner has rejected claims 18-22 under Section 103(a) over Walt in view of Wang and Zhou. Walt et al. (**US 7,115,884**) discusses multiplexed analysis of analytes in solution, using a preassembled microsphere array. Walt, however, does not the claimed method of carrying out the multiplexed assay first and then subsequently assembling the array for analysis.

Wang discloses a method of making fluorescent magnetic particles, but again, does not disclose the claimed method of carrying out the multiplexed assay first and then subsequently assembling the array for analysis. **Zhou (US 6,335,491)** describe electromagnetic biochips having arrays of individually addressable micro-electromagnetic units, which are used for directed manipulation immobilization of micro-particles. However, even if the particles described by Wang are used in combination with the biochips described by Zhou, since the addressable micro-electromagnetic units in Zhou are permanent structures on the biochip, the spacing between them and hence the spacing between the beads they capture are fixed. They cannot therefore be varied by varying the strength of the magnetic field” as required in claim 18. Accordingly, as this element of the claim is missing in and not obvious from the prior art, the claimed subject matter is nonobvious, the rejections should be withdrawn, and a notice of allowance is respectfully sought.